

REMARKS

This Request for Reconsideration is filed in response to the non-final Office Action of March 17, 2008 in which claims 1-22 were rejected for indefiniteness and obviousness.

Claims 1 and 15 have been amended to shorten the preambles and thereby remove the Examiner's objection. Withdrawal of the indefiniteness rejection is requested.

Regarding the obviousness rejection, the secondary reference *Lalande* (US 2004/0129181), it is hereby stated that at the time the present invention was made, the subject matter of the invention was owned by CO2 Solution, Inc. which also owned the US patent application Serial No. 10/474,930 constituting the secondary reference used by the Examiner. Therefore, the "safe harbor" of 35 U.S.C. § 103(c) is operative and the secondary reference is unavailable under 35 U.S.C. § 103(a). Withdrawal of the obviousness rejection of claims 1-22 is requested.

The objections and rejections of the Office Action of March 17, 2008, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-22 to issue is solicited.

Respectfully submitted,

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